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Remarks

The Examiner has required restriction under 35 U.S.C. 5121 between claims 1-7 and 13-17 (I), claims 8-12 (II), claims 18-23 (III), claims 24-26 (IV) and claims 27-30 (V). Applicants hereby elect *with traverse* claims 1-7 and 13-17 (I) for prosecution on the merits. Applicants traverse the restriction requirement below and submit that claims of groups I, III, and V are not directed to distinct subcombinations as alleged by the Office. Claims 8-12 and 24-26 of groups II and IV have been canceled without prejudice.

Referring to MPEP 806.05(d) (8th ed. rev. 8), two or more claimed subcombinations, *disclosed as usable in a single combination*, and which can be shown to be separately patentable, are usually restrictable *when the subcombinations do not overlap in scope* and are not obvious variants.

Applicants respectfully submit that the claims of groups I, III, and V are directed to the same subcombination and are not plural subcombinations which are appropriate for restriction as alleged in the Office Action.

Claims of groups I, III, and V positively recite in varying forms *modifying image data* to reduce image errors caused by or introduced by or during scanning, or to improve accuracy of scanning. Accordingly, the claims of the respective groups which *each positively recite modifying image data clearly overlap in scope and restriction is not proper under MPEP 806.05(d)*. The Office has provided no explanation as to how the claims of groups I, III, and V are considered to not overlap in scope. Applicants respectfully submit the claims of groups I, III, and V recite the same limitations of modifying image data and accordingly overlap in scope. Applicants respectfully submit that the restriction of groups I, III, and V is improper under MPEP 806.05(d) for at least this reason.

Applicants further traverse the restriction with respect to groups I, III, and V inasmuch as the alleged inventions have not been demonstrated to be directed towards subcombinations which are usable together in a single combination for proper restriction under MPEP 806.05(d) relied upon by the Office. For example, the claims of groups I, III and V recite modifying image data and accordingly overlap in scope and have not been demonstrated to be usable together in a single combination. The claims of groups I, III and V recite hard imaging methods which modify image data to reduce errors or improve accuracy and processing circuitry of

S/N: 10/699,011
PDNO. 10014648-1
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hard imaging devices which modify image data to reduce errors or improve accuracy. Accordingly, Applicants respectfully submit that the claims overlap in scope and have not been demonstrated to be distinct and usable together in a single combination.


Applicants respectfully ask how the hard imaging methods and hard imaging devices comprising processing circuitry are considered to be usable together in a combination when such are directed to the same subcombination of modifying image data in the first instance? The inventions I, III and V do not form a combination when combined as is required under MPEP 806.05(d) inasmuch as the inventions are drawn to the same subcombination of modifying image data.

Applicant respectfully requests withdrawal of the restriction of groups I, III and V which each include claims which positively recite modifying image data and request examination of the claims of the respective groups.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
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PDNO. 10014648-1
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